

Remarks

Following the above amendments, claims 1-8 and 21-26 are pending in this application. The Examiner has rejected each of claims 1, 7, 8, and 21 on obviousness grounds under 35 U.S.C. § 103 in view of the combination of Traveling Software “Laplink Professional User’s Guide” (“Traveling Software”) and allegedly admitted prior art. The Examiner has rejected each of claims 2-6 and 22-26 on obviousness grounds under 35 U.S.C. § 103 in view of the combination of Traveling Software “Laplink Professional User’s Guide” (“Traveling Software”), allegedly admitted prior art, and U.S. Patent No. 6,493,770 to Sartore et al.

A. The Present Invention is Unlike Traveling Software and Other Prior Art

The invention of the present application concerns a technique for configuring USB-compliant servers through a separate configuration computer. As claimed herein, this technique is especially useful for configuring a headless server computer, *i.e.*, a server computer not equipped with a monitor, a mouse, a keyboard, or other user interface tools. By using the claimed technique, the server computer can be configured through a separate computer, even though the server computer itself is headless. This advantage is described in the Summary of the Invention:

Another technical advantage of the disclosed system is that it permits configuration of a headless device, *i.e.*, those without traditional user interfaces including devices without a video card, monitor, keyboard, or mouse. In this manner, network administrators can configure server systems that are not otherwise easily accessible.

(Page 6, lines 6-10). The technique of configuring a headless USB-compliant server computer is not taught or suggested by any combination of Traveling Software, the allegedly admitted prior art, or Sartore.

B. Because The Prior Art Does Not Disclose or Suggest Each Limitation of the Rejected Claims, a Prima Facie Case of Obviousness is Not Established

Because the combination of Traveling Software, the allegedly admitted prior art, and Sartore do not teach or suggest each element of the rejected claims, a prima facie case of obviousness has not been established and a rejection on obviousness grounds is improper. A prima facie case of obviousness requires a showing that all of the claim limitations of the rejected claims are taught or suggested by the prior art. Manual of Patent Examining Procedure 2143 and 2143.03. An obviousness rejection is improper if all of the elements of the claim are not taught or suggested in the asserted prior art references.

In addition, the establishment of a prima facie case of obviousness requires that *all* the claim limitations be taught or suggested by the prior art. MPEP 2143.01 (emphasis added). “All words of a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Here, because all of the elements of independent claims 1 and 21 are not taught or suggested by the prior art combination identified by the examiner, a prima facie case of obviousness cannot be established and the rejection of these claims should be withdrawn.

C. The Claim Element of Configuring a Headless Server Computer Is Not Taught or Suggested by Traveling Software

Independent claims 1 and 21 are directed to methods for “configuring the software of a headless server computer” through a USB communications link. This element of the independent claims is not taught or described in any of the prior art cited by the examiner, including Traveling Software. First, the examiner recognizes that Sartore does not teach the configuration of a server computer (“Sartore does not expressly teach the programmable device is a server computer.” Office Action, page 5). Similarly, the examiner does not allege that the

allegedly admitted prior art includes any reference to the use of a USB communications link for the configuration of remote devices.

With respect to Traveling Software, the examiner asserts that Traveling Software “teaches a server computer without a local monitor or keyboard (Page 19), and therefore teaches a headless network device.” (Office Action, page 5). Applicant respectfully submits that Traveling Software includes no teaching or suggestion that the Laplink software disclosed in Traveling Software can be used for the configuration of headless servers. To the contrary, although Traveling Software provides descriptions of remote manipulation of a host computer, the remote or host computer of Traveling Software is shown in all instances as having a monitor and other input tools.

Beginning on Page 56, Traveling Software describes the method of using the LapLink software for the purpose of controlling a host computer. “Remote Control provides a way to operate another computer at a distance.” (Traveling Software, page 56). Traveling Software recognizes that changes can be made to the remote computer (host computer) through another computer (guest computer). “From a guest computer you may want to restart a host to put into effect changes you have made on that computer.” (Office Action, page 64).

In all of these descriptions of remote manipulation of a host computer in Traveling Software, however, the remote or host computer, which is akin to the server computer of the present claims, is shown as having input tools, including a monitor and keyboard. As an example, the illustrated host computer of Traveling Software on page 56 includes a monitor and keyboard. Most importantly, Traveling Software at pages 62-63 includes instructions for disabling the input tools of the host computer, including instructions for disabling the host screen, host keyboard, and host mouse. Not only does Traveling Software not teach or suggest

the configuration of a headless server computer, it is plain that the configuration of a headless server computer is not even contemplated by the authors of the LapLink users guide, as the authors included explicit instructions for disabling the user interface tools of the remote or host computer.

According to the examiner, the teaching of a headless server in Traveling Software is found on page 19, which includes a depiction of a server unit titled “remote access server” and the function of file transfer (which Traveling Software distinguishes from the separate LapLink function of remote control). There is absolutely no mention in Traveling Software, however, of whether the depicted server does or does not include user interface tools, such as a monitor, keyboard, or mouse. One cannot base a teaching or suggestion on the *lack* of an element in the prior art. The *absence* of a monitor, keyboard, or mouse is not a teaching or suggestion that the LapLink software can be used with headless servers, as there is no mention of this capability at any point in Traveling Software. That a keyboard or monitor is not shown adjacent to a server is not a teaching or suggestion that the Laplink software may be used to configure a headless server. Many hundreds of other computer elements are also not shown in Traveling Software, and one cannot possibly argue that Traveling Software teaches or suggests that the LapLink software also works with these other undepicted computer elements. In sum, Traveling Software does not teach or suggest that the LapLink software may be used for the purpose of configuring a headless server. The absence of a keyboard or mouse in a depiction of a server is not a teaching or suggestion that LapLink can be used for the configuration of a headless server computer.

Applicant also respectfully submits that the attempt to combine the teachings of Traveling Software with other prior art elements is improper, as Traveling Software teaches away

from the claimed invention. Traveling Software includes an explicit representation that the computer being manipulated or configured will include user interface tools that can or should be disabled for the sake of performing the configuration steps. These instructions in Traveling Software are at pages 62-63. Traveling Software contains absolutely no teaching or suggestion that the remote computer may not have a keyboard, mouse, and monitor. To the contrary, Traveling Software assumes that these input tools are in place and provides instructions on how to disable them.

From a guest computer, you can ensure privacy and prevent interruptions by disabling the host keyboard and its mouse and by blanking its screen.

(Traveling Software, page 62). Traveling Software makes no mention of configuring a headless computer and includes the expressed assumption that all computers will have input tools. Traveling Software therefore teaches away from the claimed invention, which is directed to a technique for configuring a headless server. Because Traveling Software teaches away from the claimed invention, there is insufficient motivation to combine Traveling Software with the other prior art.

Because Traveling Software does not teach or suggest the steps of configuring a headless server through a USB compliant communications link, and because Traveling Software teaches away from the claimed invention, the examiner's rejection of claims 1 and 21 should be withdrawn and these claims should be passed to issuance.

E. Claims 2-9 and 22-26

Claims 2-9 and 22-26 will not be discussed individually as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim. Applicant respectfully submits that the rejection of these claims under 35 U.S.C. § 103 should be

withdrawn and these claims should be passed to issuance.

Conclusion

Applicant respectfully submits that pending claims 1-9 and 21-26 of the present invention, as amended, are allowable. Applicant respectfully requests that the rejection of these claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,



Roger Fulghum
Registration No. 39,678

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1707

Baker Botts Docket Number: 016295.0402

Date: March 3, 2004